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#201  
6-13-01/1652

146.1335

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :  
JESUS CORTES et al : M. Rao  
Serial No.: 463,705 :  
Filed: January 25, 2000 : Group: 1652  
For: BIOSYNTHESIS...AND THEIR USE :  
EL 77396 2345

600 Third Avenue  
New York N.Y. 10016  
June 12, 2001

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Asst. Commissioner for Patents  
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Sir:

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Responsive to the office action of June 4, 2001, Applicants request reconsideration of the application in view of the remarks presented herein.

The Examiner has held the response of March 20, 2001 as not being fully responsive since Applicants did not make an election of a single disclosed species and the Examiner has clarified his election of species requirement in that if the species of groups I to VII were elected, further election between the 11-polynucleotides was required.

In order to be fully responsive to the office action, Applicants hereby elect the polynucleotide eryBII with traverse. It is deemed that the polynucleotides are not patentably distinct since they all have the same utility and it is requested that all of the polynucleotides be examined in the same application.

June 12, 2001

Walter S. Sauer  
Director of Person mailing paper of record

Since Applicants are awaiting a first action on the merits after 1 1/2 years of the filing of the application, it is requested that the Examiner give a prompt action on the merits.

Respectfully submitted,  
Bierman, Muserlian and Lucas

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